

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

OMAR FOLK,

Plaintiff

v.

PRIME CARE MEDICAL, *et al.*,

Defendants

Civil No. 3:13-cv-474

(Judge Mariani)

FILED
SCRANTON

NOV 09 2022

PER

DEPUTY CLERK

ORDER

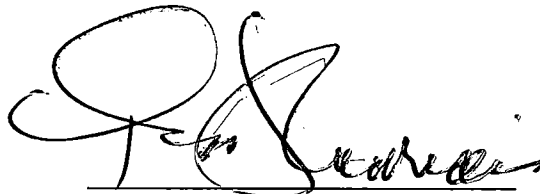
Before the Court is Plaintiff's motion (Doc. 155) to correct overpayment of a filing fee. The motion arises from an appeal to the United States Court of Appeals for the Third Circuit filed by Plaintiff on June 27, 2022. (Doc. 148). Plaintiff moved for leave to proceed *in forma pauperis*, and the Court of Appeals granted the motion. (See Doc. 154). Subsequent to being granted leave to proceed *in forma pauperis*, however, Plaintiff paid the entire balance of the filing fee due in his appeal. (*Id.*) The Court of Appeals accordingly issued an order on September 28, 2022, ordering the prison in which Plaintiff is incarcerated to immediately cease assessing funds from his prisoner trust account for payment of the filing fee and ordering this Court to immediately cease collecting such fees. (*Id.*) The Court of Appeals also noted that "[t]o the extent any fees have been assessed, the District Court may wish to consider whether to refund the amount of such fees to the Appellant's prison account." (*Id.*)

Plaintiff filed the instant motion on October 24, 2022, and the Court received and docketed the motion on October 26, 2022. (Doc. 155). Based on the Court of Appeals'

September 28, 2022 order, Plaintiff seeks a refund of the entire filing fee of \$505.00 as well as a refund of the \$505.00 filing fee he paid for a previous appeal in this litigation. (*Id.*)

The Court's review of Plaintiff's motion and the docket of this case reveals no basis for repayment of the entire filing fees paid in Plaintiff's appeals. The docket indicates that in the time between Plaintiff's motion for leave to proceed *in forma pauperis* being granted by the Court of Appeals and his payment of the balance of the filing fee, this Court processed one payment towards the filing fee in the amount of \$96.51 on September 19, 2022. The Court finds that refund of this \$96.51 payment is warranted given the circuit court's order, but that additional refunds are not warranted. Accordingly, **THIS** 9th **DAY OF**
NOVEMBER, 2022, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion (Doc. 155) to correct overpayment of a filing fee is **GRANTED IN PART AND DENIED IN PART.**
2. The Clerk of Court is directed to refund to Plaintiff's prisoner trust account the \$96.51 received by the Court on September 19, 2022. No additional refunds shall be granted at this time.

A handwritten signature in black ink, appearing to read 'Robert D. Mariani', written over a horizontal line.

Robert D. Mariani
United States District Judge